

Notice of Allowability

Application No.

09/724,586

Examiner

Ja-Na Hines

Applicant(s)

SAKOWICZ ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/12/03.
2. ☒ The allowed claim(s) is/are 1, 4, 5, 7-9, 11, 13, 50-52, 54, 59, 64, 68, 74-82 (renumbered as 1-24).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Amendment Entry

1. The after-final amendment filed November 12, 2003 has been entered. Claims 1, 4-5, 7 and 77-82 have been amended. Claims 2, 12, 55-56, 60-63, 65-67, 69-73 and 83-88 are cancelled. Claims 1, 4-5, 7-9, 11, 13, 50-52, 54, 59, 64,68, 74-82 are under consideration.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Maha Hamdan December 8, 2003. However it is noted that the amendment is pursuant to overcome the rejections and increase clarity of the claims as required by the examiner.

The application has been amended as follows:

Claim 1: An isolated nucleic acid sequence encoding a Thermomyces lanuginosus- γ (TL- γ) protein comprising amino acids 1 to 357 of SEQ ID NO:1.

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Claim 4: An isolated (TL-γ) nucleic acid sequence encoding SEQ ID NO:1.

Claim 5: An isolated (TL-γ) nucleic acid sequence comprising nucleotide sequence of SEQ ID NO:2.

Claim 7 Line 1 please insert "(TL-γ)" as follows: An isolated (TL-γ) nucleic acid sequence

Claim 50: An isolated (TL-γ) nucleic acid sequence comprising nucleotides 1-1071 of SEQ ID NO:2.

Claim 51: An isolated (TL-γ) nucleic acid sequence comprising nucleotides 1327-1803 of SEQ ID NO:2.

Claim 52: An isolated (TL-γ) nucleic acid sequence comprising nucleotides 1804-2352 of SEQ ID NO:2.

Claim 64: An isolated nucleic acid sequence encoding a (TL-γ) protein comprising amino acids 358 to 442 of SEQ ID NO:1.

Claim 77: An expression vector comprising a (TL-γ) nucleic acid sequence encoding SEQ ID NO:1.

Claim 78: A host cell transfected with an expression vector comprising a (TL-γ) nucleic acid sequence encoding SEQ ID NO:1.

Claim 79 Line 2 please insert "(TL-γ)" as follows: encoding a (TL-γ) protein

Claim 80 Line 2 please insert "(TL-γ)" as follows: encoding a (TL-γ) protein

Claim 81: An expression vector comprising a nucleic acid sequence encoding a (TL-γ) protein comprising amino acids 358 to 442 of SEQ ID NO:1.

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Claim 82: A host cell transfected with an expression vector comprising a nucleic acid sequence encoding a (TL- γ) protein comprising amino acids 358 to 442 of SEQ ID NO:1.

Withdrawal of Rejections

3. The following rejections have been withdrawn in view of applicants' amendments and arguments:

a) The rejection of claims 55-56, 61-62, 65-67, 69-73 and 87-88 under 35 U.S.C. 112, first paragraph; and

b) The rejection of claims 2, 12, 60, 63, 70 and 83-88 under 35 U.S.C. 112, second paragraph.

Allowable Subject Matter

4. Claims 1, 4-5, 7-9, 11, 13, 50-52, 54, 59, 64,68, 74-82 are allowed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ja-Na Hines whose telephone number is (703) 305-0487. The examiner can normally be reached on Monday through Thursday from 6:30am to 4:00pm. The examiner can also be reached on alternate Fridays.

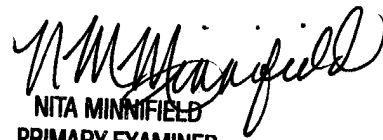
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Ja-Na Hines 

December 8, 2003


NITA MINNIFIELD
PRIMARY EXAMINER
12/14/03